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1 and selecting the preferred policy template based on the intersection of the
2 conflicting policy templates.” Examples of these acts are described in detail on
3 page 15 of the present Application, last paragraph, and on page 16, lines 1-3.
4 Amended claims 14 and 20 set forth subject matter that is similar to the language
5 identified from claim 1. Thus, Applicant has not explicitly set forth that subject
6 matter here. The amended recitation of the claims definitely recites the ability to
7 select a local policy template and/or local policy from an intersection of
8 conflicting policy templates.

9 Applicant respectfully submits that the amendments to claims 1, 14 and 20
10 further define the subject matter of the claims, and at least these claims fully
11 comply with the requirements of 35 U.S.C. §112, second paragraph. Therefore,
12 Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C.
13 §112, second paragraph, rejection.

14
15 *Claim Rejection Under 35 USC §102*

16 Claims 1-20 and 22-29 stand rejected under 35 U.S.C. §102(b) as being
17 anticipated by U.S. Patent No. 5,889,953 to Thebaut et al. (hereinafter “Thebaut”).
18 This rejection is respectfully traversed.

19 In overview, in order for prior art to anticipate a claim under 35 U.S.C.
20 §102 every element of the claimed invention must be identically disclosed either
21 expressly or under principles of inherency in a single reference. Further, the
22 exclusion of a claimed element from a prior art reference, no matter how
23 insubstantial, is enough to negate anticipation by that reference. The test of
24 whether anticipation exists in a particular case is a question of fact, and is applied
25 element-by-element to a single prior art reference. Only if the prior art literally

1 reads on every element of the rejected claim will the claimed invention be
2 anticipated under this test. With these principles of anticipation in mind,
3 Applicant will now address the deficiencies of the current rejection under 35
4 U.S.C. §102(b).

5 Amended claim 1 recites “arranging conflicting policy templates from
6 global policies to local policies, the arranging act creating a listing that includes a
7 global policy template at one end and a local policy template at another end;
8 determining an intersection of the conflicting policy templates, at least a plurality
9 of the conflicting policy templates falling at least partially within the intersection;
10 and selecting the preferred policy template based on the intersection of the
11 conflicting policy templates.”

12 Amended claim 14 recites “arranging conflicting policies from global
13 policies to local policies, the arranging act creating a listing that includes a global
14 policy at one end and a local policy at another end; determining an intersection of
15 the conflicting policies, at least a plurality of the conflicting policies falling at least
16 partially within the intersection; and selecting a preferred policy based on the
17 policy closest to the local policies and within the intersection of the conflicting
18 policies.”

19 Finally, amended claim 20 recites “wherein resolving conflicts among
20 conflicting policies includes arranging conflicting policy templates in order from
21 global policies to local policies, the arranging act creating a listing that includes a
22 global policy template at one end and a local policy template at another end,
23 determining the intersection of the conflicting policy templates, at least a plurality
24 of the conflicting policy templates falling at least partially within the intersection,
25 and selecting the preferred policy template based on the policy template that is

1 closest to the local policies and within the intersection of the conflicting policy
2 templates.”

3 The Office asserts column 4, lines 5-54, column 8, lines 61-67 and column
4 9, lines 1-21 teach the subject matter set forth in the amended independent claims.
5 Applicant disputes the Office’s assertions for the following reasons.

6 Thebaut teaches a rule management system that is able to produce a set of
7 rules that may be used in conjunction with a domain element E. (See column 4,
8 lines 15-25.) These lines of the Thebaut patent teach that a set of rules that apply
9 to domain element E may include a number of rules that belong to a collection of
10 domains D. In other words, the set of rules that apply to domain element E
11 include rules from other domains (domains D), if domain E “is a member” of the
12 domains D. (See column 4, lines 18-19.) This portion of the disclosure also
13 indicates there is a way to resolve conflicting rules, but how the resolution is
14 achieved is not discussed. The last step in this section, step (4), is the actual
15 creation of a rule set.

16 Thebaut further describes processes for resolving conflicts that may occur
17 between rules in the rule set. (See column 4, lines 35-54.) These processes are
18 defined in two classes: a before runtime class and a during runtime class. The
19 “before runtime class” includes two strategies that attempt to address rule
20 conflicts, associated with those rules in the set, before the set of rules is used
21 during actual management of a system. The “during runtime class” includes five
22 strategies that attempt to address rule conflicts, the conflicts associated with those
23 rules in the set, while the set of rules is being used to manage a system. Two of
24 the conflict abatement strategies in the “during runtime class” are: “select the rule
25

1 that satisfies the largest number of conditions;" and "select the rule according to a
2 predefined priority ranking of the rules."

3 The Office maintains that the Thebaut strategies "select the rule that issues
4 from the most specific domain element" and "select the rule that issues from the
5 least specific domain element" teaches the subject matter of the claim reciting
6 "arranging conflicting policies in order from global policies to local policies."
7 (See Office Action, page 5.) There is nothing in the relied upon portion of
8 Thebaut that even remotely suggests that the rules are *arranged* in any manner.
9 To the contrary, the subject matter referenced by the Office teaches selection of a
10 rule from a most specific domain element, or selection of a rule from a least
11 specific domain element. Selecting one of two rules has does not mean that those
12 rules are arranged in the process. Thus, this selection process does not teach or
13 suggest the limitation "arranging conflicting policies from global policies to local
14 policies, the arranging act creating a listing that includes a global policy at one end
15 and a local policy at another end." (See claim 1; similar subject matter found in
16 claims 14 and 20.) Accordingly, Thebaut does not anticipate or suggest the
17 subject matter of the rejected independent claims.

18 Claim 1 also recites "determining an intersection of the conflicting policy
19 templates, at least a plurality of the conflicting policy templates falling at least
20 partially within the intersection; and selecting the preferred policy template based
21 on the intersection of the conflicting policy templates." Again, similar subject
22 matter is found in the other independent claims 14 and 20.

23 The Office maintains this recitation of amended claim 1 is taught in the
24 Thebaut disclosure found at column 4, lines 40-44, column 8, lines 61-67 and
25

1 column 9, lines 1-21. The Office summarily and without explanation, states
2 “overlapping” anticipates the two limitations of the claim.

3 The “overlapping” that the Office is referring to relates to a process of
4 determining if two or more policies are in conflict. (See column 8, lines 64-65.)
5 The process includes determining if the policies in question “operate on the same
6 or intersecting sets of objects, AND [if] they have overlapping schedules.” A
7 policy management system selects one of the conflicting policies, over the other
8 policy, using the fundamental rules of set theory. However, the policy resolution
9 process of Thebaut makes not reference or suggestion to the claimed subject
10 matter that recites “selecting a preferred policy based on the policy closest to the
11 local policies and within the intersection of the conflicting policies.” For these
12 additional reasons as well, Thebaut does not anticipate or suggest the subject
13 matter of claim 14.

14 Each of the rejected dependent claims depends from one of the independent
15 Claims 1, 14, and 20 and includes other limitations that are not taught or suggested
16 by the Thebaut reference. Therefore, for at least some of the above reasons,
17 Applicant respectfully submits that the §102 rejection of claims 1-20 and 22-29 is
18 improper. Applicant respectfully requests reconsideration and withdrawal of the
19 rejection.
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Conclusion

Applicant has considered the other references cited by the Examiner in the Office Action. None of these references appear to affect the patentability of Applicant's claims. By the foregoing remarks, Applicant believes that pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number provided below.

Respectfully Submitted,

Date: 6-2-2006

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